

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12706-RWZ

GREGORY DONNELLY

v.

BERNARD BRADY

MEMORANDUM OF DECISION

July 14, 2005

ZOBEL, D.J.

Petitioner Gregory Donnelly seeks a writ of habeas corpus for denial of due process by the Commonwealth in failing to honor his plea agreement. Respondent Bernard Brady, Superintendent of Old Colony Correctional Center, does not challenge the substance of the petition but opposes it on the sole contention that the statute of limitations has run. This case involves a complex procedural history, and neither party's brief nor the record provided are sufficiently clear as to the relevant dates and time frames.

Accordingly, the Commonwealth shall prepare a supplementary brief that outlines the chronology of the case beginning with the initial conviction against petitioner for armed robbery in 1980. The chronology should identify, with dates: (1) each separate indictment and conviction against petitioner, (2) the sentence imposed, (3) the number of any days credited to the sentence, (4) any time served by petitioner on the sentence either in jail or on parole or probation, (5) all motions filed by petitioner

or the Commonwealth on each conviction and the resulting appellate findings, and (6) any other events or calculations relevant to a full understanding of the procedural history. The court understands that the parties are in dispute about the appropriate attribution of certain time served and the disposition of certain motions, and the chronology should pinpoint these and any other opposing positions. The Commonwealth shall file this supplementary brief by August 17, 2005.

Upon such filing, petitioner shall, within two weeks, file a responsive supplementary brief that identifies any corrections to the chronology. Petitioner will also restate, in as few words as possible, the basis for his petition in terms of the events and calculations in the chronology.

DATE

/s/ Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE